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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,594	09/30/1999	RONALD W. BASSETT	AT9-99-254	5602

35525 7590 10/27/2006

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,594

Applicant(s)

BASSETT ET AL.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/2/2006 have been fully considered but they are not persuasive.

The examiner has carefully examined the Applicant's arguments and does not agree that the specification provides support for the amended claims.

The examiner notes that the claims states, "selectively altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream". The Applicant has detailed how this limitation should be interpreted, wherein the user receives multiple video and audio streams and the user may select certain streams and present them to a display concurrently. However, the claim is so broad that the examiner has interpreted the claim's altering step to mean actual altering of a stream itself. The examiner believes this has arisen from the fact that the claim states, "wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream". The claim is written to imply omitting part of John Madden's voice and presenting the altered audio stream of John Madden's voice while also presenting the unaltered video stream. The examiner recommends a further clarifying amendment to state that altering is a selection of different audio and video streams. The examiner recommends amending the claim to state, "selecting ones of the selected video streams

and ones of the selected audio streams for the event, wherein the selecting step omits ones of the selected video streams and ones of the selected audio streams, while retaining ones of the selected video streams and ones of the selected audio streams", which is consistent with the arguments presented by Applicant.

Therefore, in regards to the 112 1st Paragraph rejections for failing to comply with the written description requirement and enablement, the examiner disagrees that the specification supports the amended claim limitations (see the previous rejection repeated below).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding the independent claims, the claims recite, "*altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream*". The examiner

notes that the only section in the Applicant's specification of the instant application that discusses altering by omitting content from the video or audio streams can be found on Page 12, Lines 27-29, which states, "*Depending on the user input, some portions of the video and audio data streams may be presented while others are omitted*". The claim then recites the limitation, "*presenting the selected and altered streams concurrently*", which is supported on Page 22, Line 32 through Page 23, Line 11 of the instant application's specification.

The entire process of Figure 8, which is discussed further on Pages 21-23 of the instant application's specification, states nothing about omitting content from the streams. Instead, the only altering done in the process of Figures 8 to the audio and video streams are completely opposite from omitting content (such as changing the volume of the audio streams or the opacity of the video streams). Therefore, the specification fails to teach how the system would concurrently present selected and altered video and audio streams, where the altered stream(s) are ones that have omitted content while retaining other content for presentation.

3. Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding the independent claims, the claims recite, *"altering ones of the selected video streams and ones of the selected audio streams for the event, wherein the altering step selectively omits content of at least one of the selected streams while retaining other content for presentation to produce an altered stream"*. The examiner notes that the only section in the Applicant's specification of the instant application that discusses altering by omitting content from the video or audio streams can be found on Page 12, Lines 27-29, which states, *"Depending on the user input, some portions of the video and audio data streams may be presented while others are omitted"*. The claim then recites the limitation, *"presenting the selected and altered streams concurrently"*, which is supported on Page 22, Line 32 through Page 23, Line 11 of the instant application's specification.

Note that since Applicant's system omits portions from the video and audio streams and **presents** the others, then clearly the omitted portions of the video and audio streams are **not displayed**; therefore the system is not be capable of displaying both the **omitted** and **selected** portions concurrently.

Furthermore, the specification states on Page 22, Line 32 through Page 23, Line 3 that *"Once the media streams are selected and configured the audio and video streams are synchronized to each other"*. Clearly the audio and video streams are both selected and configured before concurrent display, therefore since the audio and video streams are both selected **and** configured before synchronous display, the system is not be capable of displaying both the **omitted** and **selected** portions concurrently.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

October 23, 2006

A handwritten signature in black ink, appearing to read "Jason Salce", is written over the typed name and title.